

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS  
LIABILITY LITIGATION (No. VI)

: CIVIL ACTION

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This Document Relates To:

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:  
: CIVIL ACTION NO. MDL 875

Certain Defendants for all Wallace & Graham  
North Carolina Cases

(see attached defendant list)

**AMENDED ORDER**

AND NOW, this 31st day of August, 2009, this matter having been referred by the Honorable Eduardo C. Robreno, IT IS HEREBY ORDERED that the settlement conference previously scheduled on **DECEMBER 22 & 23, 2009 at 10:00 a.m.** has been **RESCHEDULED** and will now take place on **WEDNESDAY, JANUARY 6 & 7, 2010 at 10:00 A.M.** before the undersigned in Courtroom 6, 2nd Floor, United States Courthouse, Robert N.C. Nix Federal Building, 900 Market Street, Philadelphia, Pennsylvania.

Within two weeks of this Order, plaintiff shall give notice of this conference to each viable defendant (i.e., any defendant not in bankruptcy or dismissed) in each case no less than thirty (30) days before the conference date. A Certificate of Notification of this notice shall be forwarded to Judge Hey prior to the conference.

**The senior attorney(s) in charge** of the matter for each of the parties, **with full settlement authority**, are required to attend the conference in person. Based on prior practice of settlement conferences in this district in MDL 875 cases, the parties themselves and insurance carriers are not required to be present in person at the conference, but must be available by telephone throughout the duration of the conference and may be required to be present in person at future conferences if the matter does not settle.

Plaintiff shall, no later than forty-five (days) before the scheduled conference, communicate an updated settlement demand to each defendant in each case. If any defendant has not received an updated settlement demand, the defendant shall immediately contact plaintiff to learn the demand. Defendants are encouraged to present an updated offer prior to the conference, and the parties are directed to make good faith efforts to resolve their case(s) prior to the conference.

Also, counsel are encouraged to address other mutual matters they share in the MDL, i.e., counsel should be prepared to discuss matters they share in addition to those specific to the scheduled conference.

Each party is directed to submit to Chambers (via facsimile at 267-299-5061) a settlement

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ASHEVILLE, N.C.  
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U.S. DISTRICT COURT  
W. DIST. OF N.C.

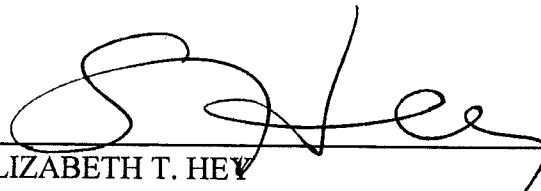
memorandum setting out the following in order:

1. The names, telephone numbers, facsimile numbers and e-mail addresses of counsel to appear at the conference on behalf of the party;
2. The name of the party or the party's representative, including insurer if applicable (with title or position) to be present or available by telephone during the conference;
3. A brief statement of the elements and manner of proof of the party's claims and/or defenses;
4. A brief statement of the party's damages and manner of proof of their damages or, as appropriate, its position on damages claimed by any opposing party;
5. The last demand and/or offer, including suggestions as to pooling cases or parties to achieve settlement; and
6. Any other matters that counsel believe may be relevant to settlement discussions.

Counsel are directed to fax the position paper to Chambers not later than **four** business days prior to the date of the conference, with a copy to opposing counsel (not all other counsel). Counsel may combine cases in their submissions (i.e., the submission may address multiple clients/cases), so long as the information is organized to assist Judge Hey in understanding the parties' positions regarding settlement. The position statements should not contain briefing of legal issues.

At the completion of the scheduled settlement conference, Judge Hey will determine with counsel's input whether to allow any further time for settlement discussions. Counsel are advised as follows with respect to matters that do not settle. Following the settlement conference, Judge Hey will direct the parties to hold a discovery planning conference pursuant to Fed. R. Civ. P. 26(f), and submit a discovery plan pursuant to Fed. R. Civ. P. 26(f)(3), and will further direct that the plan adhere to the format of the "discovery plan template" attached to this order (and available on the MDL 875 website, [www.paed.uscourts.gov/mdl875.asp](http://www.paed.uscourts.gov/mdl875.asp)). The presumptive dates contained in the template will be adopted unless good cause is shown to deviate.

BY THE COURT:



ELIZABETH T. HEY  
UNITED STATES MAGISTRATE JUDGE

## **ATTACHED LIST OF CASES**

### **Defendant Name**

BW/IP (Flowserve)  
Flowserve US, Inc.  
Eaton Corporation  
Anchor Packing Company  
General Electric Company  
Mobil Oil Company  
AmChem Products, Inc.  
American Standard  
Babcock Borsig Power, Inc.  
Bayer Cropscience, Inc.  
Bigelow-Liptak Corp.  
Boiler Services & Construction  
Bridgestone Firestone Tire, Inc.  
Durabla Manufacturing Company  
Goulds Pumps, Inc.  
Hercules, Inc.  
Honeywell International, Inc.  
Ingersoll-Rand Company  
John Crane f/k/a/ John Crane Packaging Co.  
John Crane, Inc.  
Kar-Guard of Greenville  
Moyno, Inc.  
Muehlstein & Co., Inc.  
National Steel Erection, Inc.  
Rutland Fire Clay Company  
Sepco Corporation  
Tyco Flow Control, Inc.  
Williams & Davis Boilers

## Wallace and Graham 3 Case Rpt

| Plaintiff                     | District  | State Case       | Fed Case      |
|-------------------------------|-----------|------------------|---------------|
| Thorndyke, Jr., Joseph Forman | MDL-NC-ED | 7:97-CV-222-F(3) | 2:06-cv-68452 |
| Thorndyke, Jr., Joseph Forman | MDL-NC-ED | 7:97-CV-222-F(3) | 2:06-cv-68452 |
| Sirleaf, Wonie Coffa          | MDL-NC-MD | 1:04-cv-589      | 2:06-cv-68705 |
| Johnson, Earl                 | MDL-NC-WD | 1:99-CV-254-T    | 2:06-cv-68939 |
| Bost, Robert Franklin (D)     | MDL-NC-MD | 3:99CV295        | 2:07-cv-64483 |
| Silvers, William Daniel (D)   | MDL-NC-WD | 4:98-CV-49-T     | 2:07-cv-64484 |
| Griffin, Sr., Marvin Eugene   | MDL-NC-WD | 1:09-cv-195      | 2:09-cv-74753 |
| Fulbright, Bobby Wayne        | MDL-NC-WD | 1:09-cv-284      | 29-74753      |
| Hicks, Jr., Arvin Howard      | MDL-NC-WD | 1:09-cv-272      |               |
| Pearson, Jerry                | MDL-NC-WD | 1:09-cv-286      |               |
| Perkins, Billy Richard        | MDL-NC-MD | 1:09-cv-287      |               |
| Smith, Hillard Dean           | MDL-NC-WD | 1:09-cv-279      |               |
| White, Alan Roy               | MDL-NC-MD | 1:09-cv-549      |               |
| Hanson, Russell Arthur        | MDL-NC-WD | 1:09-cv-289      |               |
| Pearson, Gary Robert          | MDL-NC-WD | 1:09-cv-276      |               |
| Sherrill, Jeffrey Scott       | MDL-NC-WD | 1:09-cv-241      |               |
| Brown, Sr., Thomas Eugene (D) | MDL-NC-ED | 2:09-cv-29       |               |
| Jones, Eugene Hamilton (D)    | MDL-NC-WD | 3:92CV00385      |               |

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|-----------------------------|---------------|---|---|--|
| Thorndyke, Jr., Joseph Form | 2:06-cv-68452 | Anchor Packing Company  | Timothy W. Bouch<br>Leath Bouch & Crawford, LLP                     | PO Box 59<br>Charleston, SC 29402  |
| Thorndyke, Jr., Joseph Form | 2:06-cv-68452 | Mobil Oil Company   | Stanley B. Green<br>Womble Carlyle Sandridge &<br>Rice, PLLC        | 3500 One Wachovia Center<br>301 South College Street<br>Charlotte, NC 28202-6037 |
| Thorndyke, Jr., Joseph Form | 2:06-cv-68452 | American Standard (Individually and as<br>Successor in Interest to Kewanee Boiler<br>Corporation) | Tim Peck<br>Smith Moore Leatherwood<br>LLP                          | 300 North Green St, Suite<br>1400<br>Greensboro, NC 27401                        |
| Thorndyke, Jr., Joseph Form | 2:06-cv-68452 | Bigelow-Liptak Corp.  | Default   |  |
| Thorndyke, Jr., Joseph Form | 2:06-cv-68452 | Boiler Services & Construction  | Default   |  |
| Thorndyke, Jr., Joseph Form | 2:06-cv-68452 | John Crane, Inc.  | Mark E. Anderson<br>Edward Kenneth Brooks<br>Patterson Dilthey, LLP | 4040 Westchase Blvd.,<br>Suite 550<br>Raleigh, NC 27607                          |
| Thorndyke, Jr., Joseph Form | 2:06-cv-68452 | Kar-Guard of Greenville   | Default   |  |
| Thorndyke, Jr., Joseph Form | 2:06-cv-68452 | National Steel Erection Inc.  | Default   |  |
| Thorndyke, Jr., Joseph Form | 2:06-cv-68452 | Willaims & Davis Boilers, Inc.  | Tim Peck<br>Smith Moore Leatherwood<br>LLP                          | 300 North Green St, Suite<br>1400<br>Greensboro, NC 27401                        |
| Sirleaf, Wonie Coffa        | 2:06-cv-68705 | Bridgestone Firestone Tire Inc  | David M. Duke<br>Young, Moore & Henderson                           | 3101 Glenwood Ave, #200<br>Raleigh, NC 27612                                     |
| Johnson, Earl               | 2:06-cv-68939 | Muehlstein & Co. Inc.   | Default   |  |
| Bost, Robert Franklin (D)   | 2:07-cv-64483 | Amchem Products, Inc.   | Carl E. Pierce, II<br>James D. Gandy, III<br>Joseph C. Wilson, IV   | PO Box 22437<br>Charleston, SC 29413   |

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| Bost, Robert Franklin (D)   | 2:07-cv-64483 | Rutland Fire Clay Company   | Jeffrey A. Kadis<br>Hedrick Gardner Kincheloe &<br>Garofalo, LLP | 6000 Fairview Road, Suite<br>1000<br>Charlotte, NC 28210  |
| Silvers, William Daniel (D) | 2:07-cv-64484 | General Electric Corporation  | Tim Peck<br>Smith Moore Leatherwood<br>LLP                       | 300 North Green St, Suite<br>1400<br>Greensboro, NC 27401 |
| Griffin, Sr., Marvin Eugene | 2:09-cv-74753 | Flowserve U.S. Inc., solely as successor<br>to Edward Valves, Inc., Vogt Valve<br>Company, and Nordstrom Valves, Inc. | Stephanie U. Roberts<br>Womble Carlyle Sandridge &<br>Rice, PLLC | One West Fourth Street<br>Winston-Salem, NC 27101         |
| Fulbright, Bobby Wayne      | 1:09-cv-284   | BWIP (FLOWSERVE)  | Mark H. Wall<br>Elmore & Wall, PA                                | 145 King Street, Suite 302<br>Charleston, SC 29402        |
| Hicks, Jr., Arvin Howard    | 1:09-cv-272   | BWIP (FLOWSERVE)  | Mark H. Wall<br>Elmore & Wall, PA                                | 145 King Street, Suite 302<br>Charleston, SC 29402        |
| Pearson, Jerry              | 1:09-cv-286   | BWIP (FLOWSERVE)  | Mark H. Wall<br>Elmore & Wall, PA                                | 145 King Street, Suite 302<br>Charleston, SC 29402        |
| Perkins, Billy Richard      | 1:09-cv-287   | BWIP (FLOWSERVE)  | Mark H. Wall<br>Elmore & Wall, PA                                | 145 King Street, Suite 302<br>Charleston, SC 29402        |
| Smith, Hillard Dean         | 1:09-cv-279   | BWIP (FLOWSERVE)  | Mark H. Wall<br>Elmore & Wall, PA                                | 145 King Street, Suite 302<br>Charleston, SC 29402        |
| White, Alan Roy             | 1:09-cv-549   | BWIP (FLOWSERVE)  | Mark H. Wall<br>Elmore & Wall, PA                                | 145 King Street, Suite 302<br>Charleston, SC 29402        |
| Hanson, Russell Arthur      | 1:09-cv-289   | Flowserve U.S. Inc., solely as successor<br>to Edward Valves, Inc., Vogt Valve<br>Company, and Nordstrom Valves, Inc. | Stephanie U. Roberts<br>Womble Carlyle Sandridge &<br>Rice, PLLC | One West Fourth Street<br>Winston-Salem, NC 27101         |
| Hicks, Jr., Arvin Howard    | 1:09-cv-272   | Flowserve U.S. Inc., solely as successor<br>to Edward Valves, Inc., Vogt Valve<br>Company, and Nordstrom Valves, Inc. | Stephanie U. Roberts<br>Womble Carlyle Sandridge &<br>Rice, PLLC | One West Fourth Street<br>Winston-Salem, NC 27101         |
| Pearson, Gary Robert        | 1:09-cv-276   | Flowserve U.S. Inc., solely as successor<br>to Edward Valves, Inc., Vogt Valve<br>Company, and Nordstrom Valves, Inc. | Stephanie U. Roberts<br>Womble Carlyle Sandridge &<br>Rice, PLLC | One West Fourth Street<br>Winston-Salem, NC 27101         |

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| Sherrill, Jeffrey Scott    | 1:09-cv-241 | Flowserve U.S. Inc., solely as successor to Edward Valves, Inc., Vogt Valve Company, and Nordstrom Valves, Inc. | Stephanie U. Roberts<br>Womble Carlyle Sandridge & Rice, PLLC      | One West Fourth Street<br>Winston-Salem, NC 27101                                |
| Hanson, Russell Arthur     | 1:09-cv-289 | Eaton Corporation, Individually and now known as Eaton Electrical, Inc. and as successor to The Vickers Pump    |  |  |
| Hicks, Jr., Arvin Howard   | 1:09-cv-272 | Eaton Corporation, Individually and now known as Eaton Electrical, Inc. and as successor to The Vickers Pump    |  |  |
| Pearson, Jerry             | 1:09-cv-286 | Eaton Corporation, Individually and now known as Eaton Electrical, Inc. and as successor to The Vickers Pump    |  |  |
| Perkins, Billy Richard     | 1:09-cv-287 | Eaton Corporation, Individually and now known as Eaton Electrical, Inc. and as successor to The Vickers Pump    |  |  |
| Brown, Sr., Thomas Eugene  | 2:09-cv-29  | Anchor Packing Company  | Timothy W. Bouch<br>Leath Bouch & Crawford, LLP                    | PO Box 59<br>Charleston, SC 29402  |
| Brown, Sr., Thomas Eugene  | 2:09-cv-29  | General Electric Corporation  | Tim Peck<br>Smith Moore Leatherwood<br>LLP                         | 300 North Green St, Suite<br>1400<br>Greensboro, NC 27401                        |
| Jones, Eugene Hamilton (D) | 3:92CV00385 | Mobil Oil Company   | Stanley B. Green<br>Womble Carlyle Sandridge & Rice, PLLC          | 3500 One Wachovia Center<br>301 South College Street<br>Charlotte, NC 28202-6037 |
| Brown, Sr., Thomas Eugene  | 2:09-cv-29  | Babcock Borsig Power Inc.   | New Case - Answer Due  |  |
| Brown, Sr., Thomas Eugene  | 2:09-cv-29  | Bayer Cropscience, Inc.   | Moffatt G. McDonald<br>W. David Connor<br>Charles M. Sprinkle, III | PO Box 2048<br>Greenville, SC 29602  |
| Brown, Sr., Thomas Eugene  | 2:09-cv-29  | DURABLE MANUFACTURING<br>COMPANY  | Clemente, Mueller & Tobia  | 609 Hamilton Street<br>Allentown, PA 18104                                       |
| Brown, Sr., Thomas Eugene  | 2:09-cv-29  | Goulds Pumps Incorporated   | Lindsay M. Peed<br>Ogletree, Deakins, Nash,<br>Smoak & Stewart, PC | 201 S. College Street, Suite<br>2300<br>Charlotte, NC 28244                      |

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| Brown, Sr., Thomas Eugene | 2:09-cv-29 | Hercules Inc.   | New Case - Answer Due   |  |
| Brown, Sr., Thomas Eugene | 2:09-cv-29 | Honeywell International, Inc f/k/a Allied Signal, Inc., and as successor-in-interest to The Bendix Corp | H. Lee Davis, Jr.<br>Davis & Hamrick, LLP                           | PO Box 20039<br>Winston-Salem, NC 27120-0039                   |
| Brown, Sr., Thomas Eugene | 2:09-cv-29 | Ingersoll-Rand Company  | New Case - Answer Due   |  |
| Brown, Sr., Thomas Eugene | 2:09-cv-29 | John Crane f/k/a John Crane Packing Company   | Mark E. Anderson<br>Edward Kenneth Brooks<br>Patterson Dilthey, LLP | 4040 Westchase Blvd.,<br>Suite 550<br>Raleigh, NC 27607        |
| Brown, Sr., Thomas Eugene | 2:09-cv-29 | Moyno, Inc., (Robbins and Myers Pumps)  | Timothy W. Bouch<br>Leath Bouch & Crawford, LLP                     | PO Box 59<br>Charleston, SC 29402                              |
| Brown, Sr., Thomas Eugene | 2:09-cv-29 | Sepco Corporation   | Clokan J. Hollan  | 7301 Orangewood Avenue<br>Garden Grove, CA 92841               |
| Brown, Sr., Thomas Eugene | 2:09-cv-29 | Tyco Flow Control, Inc., Individually and as Successor to Yarway Corporation and Grinnell Corporation   | Tracy E. Tomlin<br>Nelson Mullins Riley &<br>Scarborough, LLP       | Bank of America Corporate<br>Center<br>100 North Tryon Street, |